IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1805 OF 2006

Hind Seva Parishad .... Petitioner

Versus

State of Maharashtra and Ors. .... Respondents

Mr. Kiran J.Kanpile and Ms. N.V. Masurkar for Petitioner.

Mr. R.J. More, Govt. Pleader for R. Nos. 1 to 5.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: AUGUST 22, 2006

P.C.:

. The Petitioner had come to this court on the ground that the land belonging to Government was being shown in the name of private person. Pursuant to directions of this court, Shri. Y.M. Wankhede working as Additional Chitnis in the office of Collector, Mumbai Suburban District has filed affidavit on 24.07.2006. In the said affidavit in Paragraphs 2 and 3, it is set out that Survey No. 343, Hissa No. 6 of village Kolekalyan in M.S.D. totally admeasures 49 gunthas equivalent to 4991.80 sq. mtrs. or thereabout corresponding to CTS NO. 4457. A part of 20 gunthas from the said property was acquired by State Government for Bandra Kurla Reclamation Scheme under Award dated 31st March, 1970. Accordingly, as per the records of the said property was divided into two parts. The land

admeasuring 20 gunthas (i.e. acquired land) equivalent to 2023.4 sq. mtrs. was recorded in the name of Bandra Kurla Reclamation Scheme and 29 gunthas equivalent to 2968.4 sq. mtrs. remained in the name of Francis and 4 others.

. In Para 4, it is pointed out that the entire CTS No. 4457 was wrongly shown in the name of State of Maharashtra in City Survey Records. The land owners of private land applied for rectification and area corrections as regards the Government land and private land, both forming part of CTS NO. 4457. The Collector sanctioned the same by Order dated 17th September, 2003.

. Once that be the case, it is clear that the Government has no right in so far as 29 gunthas of land is concerned.

. The learned counsel for the Petitioners submits that there are some appeals pending. It is open to the parties to proceed with the same. Considering the above, we find that this is not a fit case for this court to exercise its extra ordinary jurisdiction. Hence, Petition dismissed.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**